

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND,

Case No. 3:22-cv-00237-LRH-CSD

Petitioner,

ORDER

v.

WILLIAM RUEBUART, et al.,

Respondents.


Petitioner Roberto Durand, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and an application for leave to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 3.) On May 31, 2022, this Court determined that Petitioner’s application for leave to proceed IFP was incomplete and instructed him to submit a complete IFP application or pay the \$5 filing fee within 45 days. (ECF No. 4.) On June 2, 2022, Petitioner again filed an incomplete application for leave to proceed IFP. (ECF No. 5.) On June 13, 2022, this Court denied the application and gave Petitioner one more opportunity to file a complete IFP application or pay the filing fee. (ECF No. 7.) This Court warned Petitioner that failure to file a complete IFP application or pay the filing fee within 45 days would “result in the dismissal of this action without prejudice and without further advance notice.” (*Id.* at 2.) On June 15, 2022, Petitioner again filed an incomplete IFP. (ECF No. 8.) Because Petitioner has failed to comply with the Court’s orders to file a complete IFP application or pay the filing fee, this Court will dismiss this action.

IT IS THEREFORE ORDERED:

1. Petitioner’s application for leave to proceed IFP (ECF No. 8) is **DENIED**.
2. The Clerk of Court is instructed to file the petition for a writ of habeas corpus (ECF No. 1-1).

4. It is further ordered that this action is **DISMISSED WITHOUT PREJUDICE** for Petitioner's failure to comply with the Court's orders to file a complete IFP application or to pay the filing fee. The clerk of the court is directed to enter judgment accordingly and to close this action.

DATED this 1st day of August 2022.


LARRY K. HICKS
UNITED STATES DISTRICT COURT